

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
AT CINCINNATI

JOHN KLOSTERMAN,	:	Civil Action No. 1:25-cv-00312-SJD-KLL
	:	(Judge Susan J. Dlott)
Plaintiff,	:	(Magistrate Judge Karen L. Litkovitz)
	:	
v.	:	<b>JOINT MOTION BY DEFENDANTS</b>
	:	<b>CITY OF CINCINNATI, TERRY</b>
KONZA, LLC, et al.,	:	<b>JAMES, KONZA, LLC, RICHARD</b>
	:	<b>BOYDSTON, AND DENTONS</b>
Defendants.	:	<b>BINGHAM GREENEBAUM LLP FOR</b>
	:	<b>EXTENSION OF TIME TO RESPOND</b>
	:	<b>TO AMENDED COMPLAINT AND</b>
	:	<b>ENLARGE</b>
	:	<b><u>PAGE LIMITS</u></b>
	:	

Comes now Defendants City of Cincinnati (the “City”), Terry James, Konza, LLC, Richard Boydston, and Dentons Bingham Greenebaum LLP (the “Boydston Defendants,” collectively with the City, “Defendants”), by counsel, and jointly move the Court pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, Local Rules 6.1, 7.2(a)(3), and 7.3(a), and this Court’s Standing Order, for (1) a twenty-one (21) day extension of time to answer or otherwise plead in response to Plaintiff’s Amended Complaint pursuant to Local Rule 6.1 to and including August 1, 2025, and (2) an extension of the page limits for Defendants’ forthcoming motions to dismiss. Defendants requested via email by their respective counsel that Plaintiff agree to the extension of time to respond to the Amended Complaint pursuant to Local Rule 6.1 and as of the time of this filing, did not receive response to such requests. In further support of this Motion, Defendants state:

Plaintiff filed an Amended Complaint on June 27, 2025, following this Court’s Order of June 26, 2025. Pursuant to Fed. R. Civ. Pro. 15(a)(3), the presumptive deadline to respond to the Amended Complaint is July 11, 2025, which time has not yet expired and which time has not been

previously extended.<sup>1</sup>

Local Rule 6.1 provides that parties to an action may obtain a stipulated extension of up to 21 days to respond to an amended complaint. If no such stipulation is obtained, the party desiring the extension must move the Court for approval. *See* L.R. 6.1(a). The moving Defendants herein reasonably require a 21-day enlargement of time consistent with Rule 6.1 to prepare their respective responses to the Amended Complaint.

The Complaint alleges 10 different causes of action arising under federal and state law, globally “Against All Defendants” except in limited instances. The alleged causes of action and claims include: RICO, with multiple alleged predicate acts; 42 U.S.C. § 1983 and § 1985, with multiple alleged constitutional violations; and state law claims of fraud, breach of fiduciary duty, conversion, malicious prosecution, negligent supervision, and intentional infliction of emotional distress. Numerous defenses arise from Plaintiff’s allegations, including lack of subject-matter jurisdiction, immunity, preclusion doctrines, and failure to state claims under Rule 12(b)(6) and/or pursuant to Rule 9(b). In addition, to adequately brief the issues for the Court in moving to dismiss, Defendants must address underlying state court foreclosure and receivership proceedings, state court criminal proceeding(s), and other litigation referenced by Klosterman in his Amended Complaint.

Given the numerosity of claims and defenses and other issues referenced herein, the Boydston Defendants respectfully request that the Court’s page limit for the Boydston Defendants’ forthcoming motion to dismiss be extended to 45 pages, excluding the table of contents/authorities, certificates of service, and any appendices.

Given the numerosity of claims and defenses and other issues referenced herein, the City

---

<sup>1</sup> On July 1, 2025, the Court entered an Order lifting the stay for responsive pleadings to an Amended Complaint.

and Terry James respectfully request that the Court's page limit for the City and James' combined forthcoming motion to dismiss be extended to 30 pages, excluding the table of contents/authorities, certificates of service, and any appendices.

This Motion is made in good faith and not brought for purposes of harassment or delay, nor will it prejudice the Plaintiff. Defendants reasonably require additional time to adequately and completely respond to the Amended Complaint and brief bases for dismissal. Good cause exists for the requested Local Rule 6.1 extension of time and for the request to exceed the briefing page limits pursuant to the Local Rules and Standing Order.

Defendants therefore respectfully request that the deadline to answer or otherwise respond to Plaintiff's Amended Complaint be extended 21 days, up to and including August 1, 2025. In addition, the Boydston Defendants request that the Court's page limit for the Boydston Defendants' forthcoming motion to dismiss be enlarged to 45 pages, excluding the table of contents/authorities, certificates of service, and any appendices, and the City requests that the Court's page limit for the City's forthcoming motion to dismiss be enlarged to 30 pages. A proposed order is attached hereto for the Court's convenience.

Respectfully submitted,

**EMILY SMART WOERNER (0089349)**

City Solicitor

/s/ Rebecca Salley

Rebecca Salley (0097269)

Mark Manning (0088331)

Johnnie Fitzpatrick (0100476)

Assistant City Solicitor

801 Plum Street, Room 214

Cincinnati, Ohio 45202

Phone: (513) 352-4710

Fax: (513) 352-1515

E-mail: rebecca.salley@cincinnati-oh.gov

/s/ Amanda L.B. Mulroony (w/ permission)

Andrew W. Hull (admitted *pro hac vice*)

Amanda L.B. Mulroony (admitted *pro hac vice*)

HOOVER HULL TURNER LLP

111 Monument Circle, Suite 4400

Indianapolis, IN 46204

Telephone: (317)-822-4400

awhull@hooverhullturner.com

amulroony@hooverhullturner.com

E-mail: mark.manning@cincinnati-oh.gov

E-mail: johnnie.fitzpatrick@cincinnati-oh.gov

*Trial Counsel for Defendants*

*City of Cincinnati and Terry James*

James D. Houston (OH 0072794)

Stephen E. Schilling (OH 0086897)

STRAUSS TROY CO., LPA

150 East Fourth Street, 4<sup>th</sup> Floor

Cincinnati, OH 45202-4018

(513) 621-2120

Facsimile (513) 241-8259

jdhouston@strausstroy.com

seschilling@strausstroy.com

*Counsel for Defendants Konza, LLC, Richard*

*Boydston and Dentons Bingham Greenebaum*

*LLP*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed electronically with the U.S. District Court, Southern District of Ohio this 3<sup>rd</sup> day of July, 2025. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

The following parties will be served by ordinary United States mail, first class postage prepaid:

Tri-State Organization, Inc.

[no address given by Plaintiff  
and no summons filed]

Joseph Lentine

3633 Puhlman

Cincinnati, OH 45211

Angel Strunk

638 Steiner Ave

Cincinnati, OH 45204

Jennifer Donathan

3505 Columbia Parkway #125

Cincinnati, OH 45226

James Neiberding

810 Sycamore Street

Cincinnati, OH 45202

/s/Rebecca P. Salley

*Counsel for City of Cincinnati*

*and Terry James*